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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-00283 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	SENTENCING HEARING DATE TO
v.)	MARCH 9, 2010 AND ORDER
)	
BOBBY RAY TAYLOR,)	Date: December 15, 2009
)	Time: 10:00 a.m.
Defendant.)	
)	
)	

The above-captioned matter is set on December 15, 2009 at 10:00 a.m. before this Court for a sentencing hearing. The parties jointly request that this Court continue the matter to March 9, 2010 at 10:00 a.m. for sentencing because of defense counsel's unavailability on December 15, 2009.

This is a felon in possession of a firearm case, and Mr. Taylor entered into an open plea on September 15, 2009. The Court set this matter for sentencing on December 15, 2009. The Probation Office disclosed the final Presentence Investigation Report ("PSR") on December 1, 2009, in which it has been determined that Taylor faces an advisory sentencing Guidelines range of 30-37 months.

Last week defense counsel was informed that a trial previously scheduled before the

Honorable Claudia Wilken for the week of December 21, 2009 will be advanced to the week of December 14, 2009 (*United States v. Beltran-Chavez*, CR-09-228-CW). As a result, defense counsel will not be in a position to appear at Mr. Taylor's scheduled sentencing hearing on December 15, 2009. For this reason, the parties agree that it would be appropriate to continue Mr. Taylor's sentencing date to March 9, 2010. If an earlier date becomes available in January or February and counsel and Probation are available, the parties will file a stipulation requesting that the Court advance this date.

Defense counsel contacted Probation Officer Brian Casai who completed the PSR in this case, and Mr. Casai is available on March 9, 2010 and has no objection to this continuance.

Because Mr. Taylor entered into a guilty plea and is currently awaiting sentencing, the parties agree that the Speedy Trial Act does not apply.

DATED: December 7, 2009

/S/

WADE RHYNE

Assistant United States Attorney

DATED: December 7, 2009

/S/

ANGELA M. HANSEN

Assistant Federal Public Defender

SIGNATURE ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this e-filed document.

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that Mr. Taylor entered into an open plea on September 15, 2009 and is currently awaiting sentencing;


2. Given defense counsel's unavailability to attend Mr. Taylor's currently scheduled sentencing hearing on December 15, 2009 because of a scheduling conflict with a criminal trial that week;

3. Given that Mr. Taylor has already entered into a guilty plea, the Speedy Trial Act does not apply; and

4. Given that all parties, including the Probation Officer, are available on March 9, 2010 and that the parties have agreed to seek to advance this date if an earlier date becomes available and all parties are able to attend.

Based on these findings, IT IS HEREBY ORDERED that the sentencing hearing date of December 15, 2009, scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for March 9, 2010, at 10:00 a.m. for sentencing.

DATED: 12/8/09


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge